



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

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April 9, 2002

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY
No. WMD 02-014**

Thompson Center Arms Company, Inc.
P.O. Box 5002, Farmington Road
Rochester, New Hampshire 03867

Attn: Mr. Mike Haley, Plant Engineer

**Re: Thompson Center Arms Company, Inc.
Rochester, New Hampshire
EPA ID # NHD002059525**

Dear Mr. Haley:

On February 22 & 25, 2002, the Department of Environmental Services (DES) conducted an inspection of Thompson Center Arms Company, Inc. (Thompson). The purpose of the inspection was to determine Thompson's compliance status with RSA 147-A and its implementing regulations, the New Hampshire Hazardous Waste Rules (codified as Env-Wm 100-1100).

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 - hazardous waste determination

At the time of the inspection, Thompson had not performed site-specific waste determinations for the following facility wastes:

- A Muriatic Acid waste generated by the Blueing/Black Oxide Line and subsequently neutralized in the wastewater treatment unit (WWTU);
- B Oxalic acid/water mixture generated by the Deburring process and subsequently treated in the WWTU;
- C Blueing/Black Oxide Line rinse water that is subsequently treated in the WWTU;
- D Kolene (Caustic dip) process rinse water that is subsequently treated in the WWTU.

- E. NaOH Caustic Cake waste generated by the Kolene process (applicability of the New Hampshire NH02 waste code); and
- F. Waste Mineral Spirits generated in the Maintenance Shop (applicability of additional waste codes for the potential of regulated levels of RCRA metals).

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Thompson perform a hazardous waste determination for the wastes identified above. This determination may be made using analytical testing. This testing should include, at a minimum, Toxicity Characteristic Leaching Procedure for RCRA metals under Env-Wm 403.06, and corrosivity under Env-Wm 403.04. Thompson will need to provide the results of the hazardous waste determination, along with any other supporting data, such as chemical analyses, to DES. For your convenience, enclosed is a list of laboratories that perform hazardous waste analysis.

Thompson may also accomplish this determination by using knowledge of the hazardous constituents or characteristics of the waste, based on the materials or processes used to generate the waste. For example, review the information provided on Material Safety Data Sheets (MSDS) for all products introduced to the waste. Pertinent MSDS information may include product ingredients and product pH values. Following the identification of the applicable waste ingredients (i.e. muriatic acid, metals) and characteristics (i.e. corrosivity), appropriate EPA/State waste codes should be assigned to the waste. Also, appropriate waste codes should, thereafter, be consistently used unless the waste stream constituents change.

Please also be advised that elementary neutralization and/or waste water treatment of hazardous wastes is subject to the provisions of Env-Wm 353.04 "Limited Permits." Therefore, in the event the waste determinations requested above indicate any wastes entering the WWTU exhibit hazardous waste characteristics, Thompson must obtain a Hazardous Waste Limited Permit to treat the waste on-site.

2. Env-Wm 507.01(e) & 509.02(c)- storage requirements

At the time of the inspection, two (2) 55-gallon containers of hazardous waste "Lead with Sand" were stored outside uncovered and without the security measures required by Env-Wm 509.02(c).

Env-Wm 507.01(e) requires generators to ensure that containers storing hazardous waste outside remain covered at all times to prevent precipitation from coming in contact with the container, unless actively adding or removing wastes, or transferring the container to another location. Env-Wm 509.02(c) also requires the following security measures at all outdoor hazardous waste storage areas:

- A. An artificial or natural barrier, such as a fence in good repair, which completely surrounds the hazardous waste storage area to prevent the unauthorized or unknowing entry of persons or livestock;
- B. A means to control entry, at all times, through gates or other entrances to the hazardous waste storage area such as an attendant, television monitor, locked entrance, or controlled roadway access to the area; and
- C. A sign with the legend "Danger-Unauthorized Personnel Keep Out", at each entrance to the hazardous waste storage area. Existing signs with other than the aforementioned legend may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the area and that entry can be dangerous.

DES requests that Thompson ensure that containers storing hazardous wastes outside be covered at all times, except to add or remove waste from the container, or transfer the container to another location. Tarps which are intact are adequate for this purpose as long as the required hazardous waste labels remain visible. Also ensure that the security measures listed above are employed at all outdoor hazardous waste storage areas.

During the subsequent February 25, 2002, re-inspection of Thompson's hazardous waste storage areas, inspectors documented that Thompson had moved the two (2) 55-gallon containers of waste "Lead with Sand" inside to the designated Hazardous Waste Storage Area. Therefore, no further action is required.

3. Env-Wm 507.03(a)(2) - marking

At the time of the inspection, labels affixed to the twenty-eight (28) containers located in "Hazardous Waste Storage Area" were obscured.

Env-Wm 507.03(a)(2) requires that all containers used for the storage of hazardous waste have labels that are not hidden by walls or other containers.

DES requests that Thompson ensure that all containers used for the storage of hazardous waste have labels that are accessible for viewing.

During the subsequent February 25, 2002, re-inspection of Thompson's hazardous waste storage areas, inspectors documented that hazardous waste containers were positioned to render their labels accessible for viewing. No further action is required.

4. Env-Wm 509.02(a)(2) – Personnel Training

A review of Thompson's personnel training program revealed the following deficiencies:

- A. The Secondary Emergency Coordinator (Mike Haley) and one (1) employee responsible for conducting weekly hazardous waste container inspections had not received hazardous waste training and/or taken part in an annual review.

- B Documentation of written job descriptions, including requisite skills, education and duties, for positions with hazardous waste management duties was not maintained at the facility.
- C A written description of the type and amount of both introductory and continuing training that is given to each person filling a position with hazardous waste management duties was not maintained at the facility.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to: 1) maintaining specific documents and records related to personnel training at the facility; and 2) ensuring that personnel handling hazardous waste are trained in hazardous waste management and participate in annual reviews.

DES requests that Thompson conduct and document hazardous waste training and annual updates for the Secondary Emergency Coordinator and employees who handle hazardous waste. Also, provide documentation of written job descriptions, including requisite skills, education and duties, for positions with hazardous waste management duties (specified in 40 CFR 265.16(d)(2)). In addition, update the training program to reflect amounts of introductory and continuing training persons responsible for hazardous waste management are required to receive (specified in 40 CFR 265.16(d)(3)). Please submit the updated training documentation to DES.

In a March 18, 2002, letter from Mr. Mike Haley, documentation was provided that item "A" listed above had been complied with. However, documentation substantiating compliance with items "B" and "C" above remain forthcoming for facility Emergency Coordinators and certain employees with hazardous waste management duties. Therefore, to achieve full compliance with Env-Wm 509.02(a)(2), provide documentation, in compliance with items "B" and "C" above for the following employees: 1) Don Curtis; 2) Mike Haley; 3) Richard Dixon 4) Juanita Moore; 5) Michael Poole; 6) Thomas Servante; 7) Moe Simard; and 7) Steve Behr.

5 Env-Wm 509.02(a)(4) – preparedness and prevention

At the time of the inspection, adequate aisle space was not provided for containers of hazardous waste located in the "Hazardous Waste Storage Area."

Env-Wm 509.02(a)(4), which references 40 CFR 265.35 requires that generators must maintain required aisle space at each hazardous waste storage area. Required aisle space is further defined in Env-Wm 509.02 (e) to mean not less than 2 feet of aisle space to allow for inspection of at least one side of each container.

DES requests that Thompson maintain the required aisle space for each container of hazardous waste at the "Hazardous Waste Storage Area."

During the subsequent February 25, 2002, re-inspection of Thompson's hazardous waste storage areas, inspectors documented that an adequate amount of aisle space was created between waste containers. No further action is required.

6 Env-Wm 509.02(a)(5) - contingency plan

At the time of the inspection, Thompson was unable to document their arrangements to familiarize local authorities with the facility contingency plan and coordinate emergency services.

Env-Wm 509.02(a)(5), which references 40 CFR 265 Subpart D and 40 CFR 265.37, requires that full quantity generators must attempt to make, and describe arrangements with local authorities including police, local fire departments, and emergency response teams.

DES requests that Thompson submit the facility contingency plan to local authorities as required in 40 CFR 265 Subpart D and provide documentation of its receipt (e.g., return receipts, copies of individual letters of transmittal).

In a February 28, 2002, letter from Mr. Mike Haley, documentation was provided that substantiated facility compliance with 509.02(a)(5) after the date of inspection. A subsequent March 18, 2002, letter from Mr. Mike Haley however stated "Contingency plans were distributed to the Rochester Fire Department, Rochester PD and Rochester Public Works Department- water treatment plant prior to your inspection". DES requests that Thompson submit documentation (i.e. a signed confirmation by each local authority) to substantiate the March 18, 2002, claim.

Env-Wm 509.02(b)– emergency posting

At the time of the inspection, Thompson had not posted a list of steps to follow if an emergency occurs and complete list of emergency numbers at the nearest telephone to the hazardous waste storage area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requests that Thompson post the required information at the nearest telephone to the hazardous waste storage.

In a March 18, 2002, letter from Mr. Mike Haley, documentation was provided that substantiates facility compliance with 509.02(b). No further action is required.

8 Env-Wm 509.03(d) Satellite Storage Requirements

During the inspection of the area immediately outside the facility's Gun Division Building, two (2) 55-gallon satellite accumulation containers of hazardous waste "Lead with Sand" were not closed. One (1) 55-gallon satellite accumulation container of "NaOH Caustic Cake" located at the Kolene process was also observed to be open at the time of inspection.

Env-Wm 509.03(d), which references Env-Wm 507.01(a)(3), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requests that Thompson ensure that containers storing hazardous waste be closed at all times, except when adding or removing waste from the containers.

During the subsequent February 25, 2002, re-inspection, inspectors documented that the two (2) satellite accumulation containers of "Lead with Sand" as well as the one (1) satellite accumulation container of "NaOH Caustic Cake" had been closed. No further action is required.

9 Env-Wm 509.03(i)(1)a.- Satellite Storage Requirements

At the time of inspection, one (1) 55-gallon satellite accumulation container of hazardous waste "NaOH Caustic Cake" was observed adjacent to the Kolene process without a date of accumulation.

Env-Wm 509.03(i)(1)a. requires that upon reaching the accumulation limit of 55-gallons, hazardous waste satellite accumulation containers shall be marked with the date the accumulation was reached.

DES requests that Thompson ensure hazardous waste satellite accumulation containers are marked with the date of accumulation upon reaching the 55-gallon quantity limit.

During the subsequent February 25, 2002, re-inspection, inspectors documented that the satellite accumulation container of "NaOH Caustic Cake" had been marked with the date of accumulation. No further action is required.

10. Env-Wm 509.03(i)(2)- Satellite Storage Requirements

At the time of inspection, approximately 100-gallons of hazardous waste "Lead with Sand" was observed in two (2) 55-gallon satellite accumulation containers located immediately outside the Gun Division Building. Mr. Don Curtis claimed the waste had been stored in the location identified above for a period of longer than 3-days.

Env-Wm 509.03(i)(2) requires that full quantity generators utilizing the satellite storage provision move hazardous waste to a designated hazardous waste storage area within 3-days of reaching the accumulation limit.

DES requests that Thompson move hazardous waste to a designated hazardous waste storage area within 3-days of reaching the accumulation limit.

During the subsequent February 25, 2002, re-inspection, inspectors documented that the two (2) satellite accumulation containers of "Lead with Sand" had been moved to Thompson's Hazardous Waste Storage Area. No further action is required.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Thompson can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Thompson, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during subsequent inspections of the facility.

The written report as requested above should be addressed as follows

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

A current, full set of the State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely



Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

CERTIFIED MAIL RRR# 7099 3400 0002 9774 2348

DB/RCRA/LOD/Archives
Philip J. O'Brien, Ph.D., Director, WMD
Gretchen Rule, Administrator, DES Legal Unit
Don Curtis, Project Manager, Thompson Center Arms
Robert Gustafson, President, Thompson Center Arms

E-mail: JJD/SD/SD/PM

Enclosure Inspection Checklist
NHDES List of "Laboratories that test hazardous waste"